

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

OSCAR MINAYA,
a/k/a "Shorty,"
JOSE ORTEGA,
a/k/a "El Gordo,"
HENRY MICHEL,
ANGELO MICHEL,
a/k/a "Moreno,"
JOVANNY RODRIGUEZ,
a/k/a "Johnny,"
ROMALDO ESPINAL,
a/k/a "Shorty,"
ALEJANDRO BELLO,
a/k/a "Alex,"
JESUS HILARIO-BELLO,
a/k/a "Charlie," and
JASON VERAS,
a/k/a "Jason,"

Defendants.

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SUPERSEDING
INDICTMENT

SY/2 11 Cr. 755 (JFK)

10/18

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: SEP 04 2013

COUNT ONE

(Hobbs Act Conspiracy)

The Grand Jury charges:

1. From at least in or about December 2009 up through and including at least in or about May 2011, in the Southern District of New York and elsewhere, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," JOVANNY RODRIGUEZ, a/k/a "Johnny," ROMALDO ESPINAL, a/k/a "Shorty," ALEJANDRO BELLO, a/k/a "Alex," JESUS HILARIO-

BELLO, a/k/a "Charlie," and JASON VERAS, a/k/a "Jason," the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MINAYA, ORTEGA, HENRY MICHEL, ANGELO MICHEL, RODRIGUEZ, ESPINAL, BELLO, HILARIO-BELLO, and VERAS, and others known and unknown, agreed to commit armed robberies of certain individuals engaged in narcotics trafficking and other businesses that engage in interstate and foreign commerce.

Overt Acts

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 14, 2009, OSCAR MINAYA, a/k/a "Shorty," the defendant, and others not named as defendants herein, robbed two individuals ("Victim-1" and "Victim-2") in Queens, New York, and in the course thereof forcibly bound and assaulted Victim-1 and Victim-2 while brandishing a firearm.

b. In or about 2010, JOSE ORTEGA, a/k/a "El Gordo," and JOVANNY RODRIGUEZ, a/k/a "Johnny," the defendants, and

others not named as defendants herein, robbed an individual ("Victim-3") they believed to possess narcotics, in the vicinity of 183rd Street and Tremont Avenue, Bronx, New York.

c. In or about November 2010, ORTEGA, RODRIGUEZ, ALEJANDRO BELLO, a/k/a "Alex," and ROMALDO ESPINAL, a/k/a "Shorty," the defendants, and others not named as defendants herein, robbed an individual ("Victim-4") they believed to possess narcotics in the vicinity of 187th Street, Bronx, New York, and in the course thereof forcibly restrained Victim-4.

d. On or about December 21, 2010, MINAYA, ORTEGA, HENRY MICHEL, RODRIGUEZ, BELLO, and JASON VERAS, a/k/a "Jason," the defendants, and others not named as defendants herein, robbed an individual ("Victim-5") they believed to possess narcotics proceeds in the vicinity of 162nd Street and Riverside Drive, New York, New York, and in the course thereof forcibly assaulted Victim-5 while brandishing a firearm.

e. In or about January 2011, MINAYA and others not named as defendants herein, robbed an individual ("Victim-6") they believed to possess narcotics and narcotics proceeds in the vicinity of 107th Street and 37th Avenue, Corona, New York, and in the course thereof forcibly assaulted Victim-6 while brandishing a firearm.

f. In or about January 2011, ORTEGA, RODRIGUEZ, ANGELO MICHEL, a/k/a "Moreno," the defendants, and others not named as defendants herein, agreed to rob an individual they

believed possessed narcotics in an apartment located in the vicinity of Starling Avenue, Bronx, New York.

g. In or about January or February of 2011, ORTEGA, RODRIGUEZ, HENRY MICHEL, ANGELO MICHEL, JESUS HILARIO-BELLO, a/k/a "Charlie," the defendants, and others not named as defendants herein, robbed an individual ("Victim-7") they believed to possess narcotics in the vicinity of Croes Avenue, Bronx, New York, and in the course thereof forcibly assaulted Victim-7.

h. On or about February 25, 2011, MINAYA, ORTEGA, RODRIGUEZ, HILARIO-BELLO, and VERAS, and others not named as defendants herein, robbed an individual ("Victim-8") in the vicinity of Northern Boulevard in Queens, New York, and in the course thereof forcibly restrained Victim-8.

i. In or about March 2011, ORTEGA, RODRIGUEZ, and ESPINAL, and others not named as defendants herein, robbed an individual ("Victim-9") in the vicinity of 182nd Street, Queens, New York, and in the course thereof forcibly assaulted Victim-9.

j. In or about May 2011, MINAYA, ORTEGA, HENRY MICHEL, ANGELO MICHEL, and RODRIGUEZ, and others not named as defendants herein, met in New York, New York, to plan the robbery and kidnaping of an individual they believed would be in possession of the proceeds of a business ("Victim-10").

k. On or about May 15, 2011, MINAYA, ORTEGA, HENRY MICHEL, ANGELO MICHEL, and RODRIGUEZ, and others not named as defendants herein, attempted to rob Victim-10 in Queens, New York, of proceeds obtained from Victim-10's business, and in the

course thereof forcibly bound and assaulted Victim-10 while brandishing a firearm.

1. On or about June 10, 2011, MINAYA, ANGELO MICHEL, and HILARIO-BELLO, and others not named as defendants herein, robbed an individual ("Victim-11") in Nassau County, New York, and in the course thereof forcibly restrained Victim-11 while brandishing a firearm.

(Title 18, United States Code, Section 1951.)

COUNT TWO

(Kidnaping Conspiracy)

The Grand Jury further charges:

3. From at least in or about December 2009 up through and including at least in or about May 2011, in the Southern District of New York and elsewhere, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," JOVANNY RODRIGUEZ, a/k/a "Johnny," ROMALDO ESPINAL, a/k/a "Shorty," ALEJANDRO BELLO, a/k/a "Alex," JESUS HILARIO-BELLO, a/k/a "Charlie," and JASON VERAS, a/k/a "Jason," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1201.

4. It was a part and an object of the conspiracy that OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," JOVANNY RODRIGUEZ, a/k/a

"Johnny," ROMALDO ESPINAL, a/k/a "Shorty," ALEJANDRO BELLO, a/k/a "Alex," JESUS HILARIO-BELLO, a/k/a "Charlie," and JASON VERAS, a/k/a "Jason," the defendants, and others known and unknown, would and did unlawfully seize, confine, kidnap, abduct, and carry away and hold for ransom and reward and otherwise, a person, and use a means, facility, and instrumentality of interstate commerce in committing and in furtherance of the commission of the kidnaping, in violation of Title 18, United States Code, Section 1201.

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 21, 2010, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, JOVANNY RODRIGUEZ, a/k/a "Johnny," ALEJANDRO BELLO, a/k/a "Alex," and JASON VERAS, a/k/a "Jason," the defendants, and others not named as defendants herein, kidnaped Victim-5 in Queens, New York.

b. In or about January/February 2011, ORTEGA, RODRIGUEZ, HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," and JESUS HILARIO-BELLO, a/k/a "Charlie," the defendants, and others not named as defendants herein, kidnaped Victim-7 in the vicinity of 230th Street and Sedgewick Avenue, Bronx, New York.

c. On or about February 25, 2011, MINAYA, ORTEGA, RODRIGUEZ, HILARIO-BELLO, and VERAS, and others not named as

defendants herein, kidnaped Victim-8 in the vicinity of Northern Boulevard in Queens, New York.

d. In or about March 2011, ORTEGA, RODRIGUEZ and ROMALDO ESPINAL, a/k/a "Shorty," the defendants, and others not named as defendants herein, kidnaped Victim-9 in the vicinity of 182nd Street, Queens, New York.

e. In or about May 2011, MINAYA, ORTEGA, HENRY MICHEL, ANGELO MICHEL, and RODRIGUEZ, and others not named as defendants herein, met in New York, New York, to plan the kidnaping of Victim-10.

f. On or about May 15, 2011, MINAYA, ORTEGA, HENRY MICHEL, ANGELO MICHEL, and RODRIGUEZ and others not named as defendants herein, kidnaped Victim-10 in the vicinity of 148th Street, Queens, New York.

(Title 18, United States Code, Section 1201(c).)

COUNT THREE

(Use of Firearms in Furtherance of Count One or Count Two)

The Grand Jury further charges:

6. From at least in or about December 2009 up through and including at least in or about May 2011, in the Southern District of New York and elsewhere, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," JOVANNY RODRIGUEZ, a/k/a "Johnny," ROMALDO ESPINAL, a/k/a "Shorty," and ALEJANDRO BELLO, a/k/a "Alex," the defendants, and others known and unknown, during and in relation to a crime of

violence for which they may be prosecuted in a court of the United States, namely, the robbery offense charged in Count One and the kidnaping offense charged in Count Two of this Indictment, and on occasions other than those charged in Counts Six, Twelve and Fourteen below, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, which were brandished.

(Title 18, United States Code, Sections
924(c)(1)(A)(ii) and 2.)

COUNT FOUR

(Hobbs Act Robbery)

The Grand Jury further charges:

7. On or about December 21, 2010, in the Southern District of New York and elsewhere, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, JOVANNY RODRIGUEZ, a/k/a "Johnny," ALEJANDRO BELLO, a/k/a "Alex," and JASON VERAS, a/k/a "Jason," the defendants, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MINAYA, ORTEGA, HENRY MICHEL, RODRIGUEZ, BELLO, and VERAS, and other individuals not named as defendants herein, robbed an

Victim-5, who was believed to be in possession of narcotics proceeds in the vicinity of 162nd Street and Riverside Drive, New York, New York, and in the course thereof brandished a firearm.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FIVE

(Kidnaping)

The Grand Jury further charges:

8. On or about December 21, 2010, in the Southern District of New York and elsewhere, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, JOVANNY RODRIGUEZ, a/k/a "Johnny," ALEJANDRO BELLO, a/k/a "Alex," and JASON VERAS, a/k/a "Jason," the defendants, and others known and unknown, willfully and knowingly did seize, confine, kidnap, abduct, and carry away and hold for ransom and reward and otherwise, a person, and use a means, facility, and instrumentality of interstate commerce in committing and in furtherance of the commission of the kidnaping, to wit, MINAYA, ORTEGA, HENRY MICHEL, RODRIGUEZ, BELLO, and VERAS, and other individuals not named as defendants herein, kidnaped Victim-5, who was believed to be in possession of narcotics proceeds, in the vicinity of 162nd Street and Riverside Drive, New York, New York.

(Title 18, United States Code, Sections 1201 and 2.)

COUNT SIX

(Use of Firearm in Furtherance of Count Four or Five)

The Grand Jury further charges:

9. On or about December 21, 2010, in the Southern District of New York, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, JOVANNY RODRIGUEZ, a/k/a "Johnny," ALEJANDRO BELLO, a/k/a "Alex," and JASON VERAS, a/k/a "Jason," the defendants, and others known and unknown, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery offense charged in Count Four and the kidnaping offense charged in Count Five of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, which were brandished.

(Title 18, United States Code, Sections
924(c)(1)(A)(ii), 924(c)(1)(C)(i), and 2.)

COUNT SEVEN

(Hobbs Act Robbery)

The Grand Jury further charges:

10. In or about 2010, in the Southern District of New York and elsewhere, JOSE ORTEGA, a/k/a "El Gordo," and JOVANNY RODRIGUEZ, a/k/a "Johnny," the defendants, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby did obstruct, delay, and affect commerce and the

movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, ORTEGA, RODRIGUEZ, and other individuals not named as defendants herein, robbed Victim-3, who was believed to be in possession of narcotics in the vicinity of 183rd Street and Tremont Avenue, Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT EIGHT

(Hobbs Act Robbery)

The Grand Jury further charges:

11. In or about January or February of 2011, in the Southern District of New York and elsewhere, JOSE ORTEGA, a/k/a "El Gordo," JOVANNY RODRIGUEZ, a/k/a "Johnny," HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," and JESUS HILARIO-BELLO, a/k/a "Charlie," the defendants, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, ORTEGA, RODRIGUEZ, HENRY MICHEL, ANGELO MICHEL, and HILARIO-BELLO, and other individuals not named as defendants herein, robbed Victim-7 who was believed to be in possession of narcotics in the vicinity of Croes Avenue, Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT NINE

(Hobbs Act Robbery)

The Grand Jury further charges:

12. In or about November 2010, in the Southern District of New York and elsewhere, JOSE ORTEGA, a/k/a "El Gordo," JOVANNY RODRIGUEZ, a/k/a "Johnny," ALEJANDRO BELLO, a/k/a "Alex," and ROMALDO ESPINAL, a/k/a "Shorty," the defendants, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, ORTEGA, RODRIGUEZ, BELLO, and ESPINAL and other individuals not named as defendants herein, robbed Victim-4, who was believed to be in possession of narcotics in the vicinity of 187th Street, Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TEN

(Hobbs Act Robbery)

The Grand Jury further charges:

13. On or about May 15, 2011, in the Southern District of New York and elsewhere, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, and JOVANNY RODRIGUEZ, a/k/a "Johnny," the defendants, and others known and unknown, unlawfully and knowingly did commit robbery, as that term

is defined in Title 18, United States Code, Section 1951(b)(1), and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MINAYA, ORTEGA, HENRY MICHEL, ANGELO MICHEL, and RODRIGUEZ, and other individuals not named as defendants herein, in the vicinity of 148th Street, Queens, New York, robbed, Victim-10, who was believed to be in possession of proceeds obtained from Victim-10's business, and in the course thereof forcibly bound and assaulted Victim-10 while brandishing a firearm.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT ELEVEN

(Kidnaping)

The Grand Jury further charges:

14. On or about May 15, 2011, in the Southern District of New York and elsewhere, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, and JOVANNY RODRIGUEZ, a/k/a "Johnny," the defendants, and others known and unknown, willfully and knowingly did seize, confine, kidnap, abduct, and carry away and hold for ransom and reward and otherwise, a person, and use a means, facility, and instrumentality of interstate commerce in committing and in furtherance of the commission of the kidnaping, to wit, MINAYA, ORTEGA, HENRY MICHEL, ANGELO MICHEL, and RODRIGUEZ and other individuals not named as defendants herein, kidnaped Victim-10 in

the vicinity of 148th Street, Queens, New York.

(Title 18, United States Code, Sections 1201 and 2.)

COUNT TWELVE

(Use of Firearm in Furtherance of Count Ten or Eleven)

The Grand Jury further charges:

15. On or about May 15, 2011, in the Southern District of New York, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, and JOVANNY RODRIGUEZ, a/k/a "Johnny," the defendants, and others known and unknown, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery offense charged in Count Ten and the kidnaping offense charged in Count Eleven of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, which were brandished.

(Title 18, United States Code, Sections
924(c)(1)(A)(ii), 924 (c)(1)(C)(i), and 2.)

COUNT THIRTEEN

(Hobbs Act Robbery)

The Grand Jury further charges:

16. On or about June 10, 2011, in the Southern District of New York and elsewhere, OSCAR MINAYA, a/k/a "Shorty," ANGELO MICHEL, and JESUS HILARIO-BELLO, a/k/a "Charlie," the defendants, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code,

Section 1951(b)(1), and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MINAYA, ANGELO MICHEL, and HILARIO-BELLO, and other individuals not named as defendants herein, robbed Victim-11 in the vicinity of Grist Mill Lane, Nassau County, New York, and in the course thereof forcibly restrained Victim-11 while brandishing firearms.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FOURTEEN

(Use of Firearm in Furtherance of Count Thirteen)

The Grand Jury further charges:

17. On or about June 10, 2011, in the Southern District of New York, OSCAR MINAYA, a/k/a "Shorty," ANGELO MICHEL, and JESUS HILARIO-BELLO, a/k/a "Charlie," the defendants, and others known and unknown, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery offense charged in Count Thirteen of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, which were brandished.

(Title 18, United States Code, Sections
924(c)(1)(A)(ii), 924(c)(1)(C)(i), and 2.)

COUNT FIFTEEN

(Narcotics Conspiracy)

The Grand Jury further charges:

18. From at least in or about December 2009 up through and including at least in or about May 2011, in the Southern District of New York and elsewhere, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," JOVANNY RODRIGUEZ, a/k/a "Johnny," ROMALDO ESPINAL, a/k/a "Shorty," ALEJANDRO BELLO, a/k/a "Alex," JESUS HILARIO-BELLO, a/k/a "Charlie," and JASON VERAS, a/k/a "Jason," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

19. It was a part and an object of the conspiracy that OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," JOVANNY RODRIGUEZ, a/k/a "Johnny," ROMALDO ESPINAL, a/k/a "Shorty," ALEJANDRO BELLO, a/k/a "Alex," JESUS HILARIO-BELLO, a/k/a "Charlie," and JASON VERAS, a/k/a "Jason," the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

20. The controlled substances involved in the offense were: (i) five kilograms and more of mixtures and substances

containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); (ii) one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); and (iii) mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(D).

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION AS TO COUNTS ONE, TWO, FOUR, FIVE, SEVEN, EIGHT, NINE, TEN, ELEVEN, AND THIRTEEN

21. As a result of committing one or more of the offenses alleged in Counts One, Two, Four, Five, Seven, Eight, Nine, Ten, Eleven, and Thirteen, in which they are named in this Indictment, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," JOVANNY RODRIGUEZ, a/k/a "Johnny," ROMALDO ESPINAL, a/k/a "Shorty," ALEJANDRO BELLO, a/k/a "Alex," JESUS HILARIO-BELLO, a/k/a "Charlie," and JASON VERAS, a/k/a "Jason," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461, any property, real and personal, which constitutes or is derived from proceeds traceable to the commission of one or more of the offenses alleged in Counts One, Two, Four, Five, Seven, Eight, Nine, Ten, Eleven, and Thirteen of this Indictment.

Substitute Assets Provision

22. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 981, Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461, to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461.)

FORFEITURE ALLEGATION AS TO COUNT FIFTEEN

23. As a result of committing the controlled substance offense alleged in Count Fifteen of this Indictment, OSCAR MINAYA, a/k/a "Shorty," JOSE ORTEGA, a/k/a "El Gordo," HENRY MICHEL, ANGELO MICHEL, a/k/a "Moreno," JOVANNY RODRIGUEZ, a/k/a "Johnny,"

ROMALDO ESPINAL, a/k/a "Shorty," ALEJANDRO BELLO, a/k/a "Alex," JESUS HILARIO-BELLO, a/k/a "Charlie," and JASON VERAS, a/k/a "Jason," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count Fifteen of this Indictment.

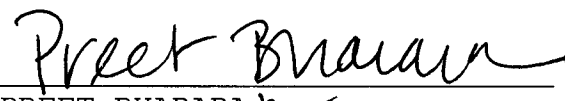
24. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C.
§ 853(p), to seek forfeiture of any other property of said
defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


FOREPERSON


PREET BHARARA *my*
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

OSCAR MINAYA, a/k/a "Shorty,"
JOSE ORTEGA, a/k/a "El Gordo,"
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ALEJANDRO BELLO, a/k/a "Alex,"
JESUS HILARIO-BELLO, a/k/a "Charlie,"
JASON VERAS, a/k/a "Jason,"

Defendants.

SUPERSEDING INDICTMENT


¹³⁸
S12 11 Cr. 755 (JFK)

(Title 18, United States Code, Sections
1951, 1201, 924(c) and 981, Title 21,
United States Code, Sections 841, 846 and
853, and Title 28, United States Code,
Section 2461.)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.

9/4/13 - Filed superseding indictment
cc Judge Fox
LMA